



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Erika Hawkins et al.
Title: METHOD FOR INCREASING LUMINESCENCE ASSAY SENSITIVITY

Docket No.: 341.014US1
Filed: June 9, 2000
Examiner: Mahreen F. Chaudhry

Serial No.: 09/590,884
Due Date: February 23, 2002
Group Art Unit: 1643

Box AF

Commissioner for Patents
Washington, D.C. 20231

We are transmitting herewith the following attached items (as indicated with an "X"):

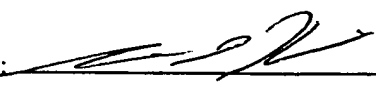
- ☒ A return postcard.
- ☒ An Amendment and Response Under 37 C.F.R. 1.116 (10 Pages).
- ☒ Petition for Extension of Time (1 pg.)
- ☒ A check in the amount of \$920.00 to cover the Extension of Time Fee.
- ☒ A check in the amount of \$306.00 to cover the fee for additional claims as calculated below.
- ☒ Notice of Appeal (1 pg.).
- ☒ check in the amount of \$320 for Notice of Appeal Fee.
- ☒ Clean Version of Pending Claims (14 pgs.).
- ☒ copy of In re Miller 169 U.S.P.Q 597, 599, copy of In re Swinehart 169 U.S.P.Q. 226, 228, copy of In re Miller 169 U.S.P.Q 597, 600.

If an additional fee is required due to changes to the claims, the fee has been calculated as follows:

CLAIMS AS AMENDED						
	(1) Claims Remaining After Amendment		(2) Highest Number Previously Paid For	(3) Present Extra	Rate	Fee
TOTAL CLAIMS	172	-	169	3	x 18 =	\$54.00
INDEPENDENT CLAIMS	11	-	8	3	x 84 =	\$252.00
[] MULTIPLE DEPENDENT CLAIMS PRESENTED						\$0.00
TOTAL						\$306.00

Please consider this a PETITION FOR EXTENSION OF TIME for sufficient number of months to enter these papers and please charge any additional required fees or credit overpayment to Deposit Account No. 19-0743.

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.
P.O. Box 2938, Minneapolis, MN 55402 (612-373-6900)

By: 
Atty: Robert J. Harris, Ph.D.
Reg. No. 37,346

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Box AF, Commissioner for Patents, Washington, D.C. 20231, on this 23 day of May, 2002.

Anne M. Richards
Name

Anne M. Richards
Signature

Customer Number 21186

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.
373-6900)

P.O. Box 2938, Minneapolis, MN 55402 (612-

(GENERAL)



AF / 1600

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

RECEIVED
AUG 29 2002
TECH CENTER 1600/2900

Applicant: Erika Hawkins et al.
Title: METHOD FOR INCREASING LUMINESCENCE ASSAY SENSITIVITY
Docket No.: 341.014US1
Filed: June 9, 2000
Examiner: Mahreen F. Chaudhry
Serial No.: 09/590,884
Due Date: July 23, 2002
Group Art Unit: 1643

Box AF
Commissioner for Patents
Washington, D.C. 20231

We are transmitting herewith the following attached items (as indicated with an "X"):

- ☒ A return postcard.
- ☒ Appellant's Brief On Appeal including attachments (204 Pages), IN TRIPLICATE.
- ☒ Petition for Extension of Time (1 pg.)
- ☒ Authorization to charge to Deposit Account No. 19-0743 in the amount of \$110.00 to cover the Extension of Time Fee.
- ☒ Authorization to charge the amount of \$320.00 to Deposit Account No. 19-0743 to cover the fee for the Brief.

Please consider this a **PETITION FOR EXTENSION OF TIME** for sufficient number of months to enter these papers and please charge any additional required fees or credit overpayment to Deposit Account No. 19-0743.

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.
P.O. Box 2938, Minneapolis, MN 55402 (612-373-6900)

By: [Signature]
Atty: Robert J. Harris, Ph.D.
Reg. No. 37,346

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Box AF, Commissioner for Patents, Washington, D.C. 20231, on this 23rd day of August, 2002.

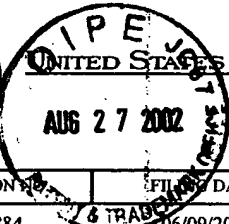
Dawn M. Bole
Name

Dawn M. Bole
Signature

Customer Number 21186

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.
(GENERAL)

P.O. Box 2938, Minneapolis, MN 55402 (612-373-6900)



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/590,884	06/09/2000	Erika Hawkins	341.014US1	1643

21186 7590 07/15/2002

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.
P.O. BOX 2938
MINNEAPOLIS, MN 55402

EXAMINER

GITOMER, RALPH J

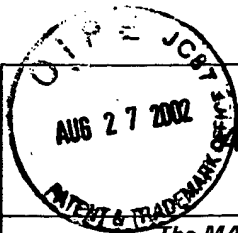
ART UNIT	PAPER NUMBER
----------	--------------

1627

DATE MAILED: 07/15/2002


3rd month Brief due Aug 27, 2002
7th mo Brief due Dec 23, 2002

Please find below and/or attached an Office communication concerning this application or proceeding.



Advisory Action

Application No. 09/590,884	Applicant(s) Hawkins et al.
Examiner Ralph Gitomer	Art Unit 1627



The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED Jun 4, 2002 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid the abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

THE PERIOD FOR REPLY [check only a) or b)]

- a) ☒ The period for reply expires 6 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

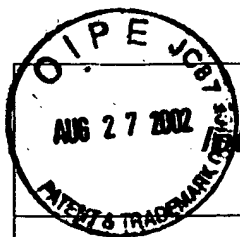
Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☒ A Notice of Appeal was filed on Jun 4, 2002. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☒ The proposed amendment(s) will not be entered because:
- (a) ☒ they raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ they raise the issue of new matter (see NOTE below);
- (c) ☒ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☒ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: New claims 76-78 are presented.

3. ☒ Applicant's reply has overcome the following rejection(s):
none
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because:
Reasons of record.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☒ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
- The status of the claim(s) is (or will be) as follows:
- Claim(s) allowed: _____
- Claim(s) objected to: _____
- Claim(s) rejected: 1-57
- Claim(s) withdrawn from consideration: 58-75
8. ☐ The proposed drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____
10. ☐ Other:

RALPH GITOMER
PRIMARY EXAMINER
ART UNIT 1627



Interview Summary

Application No.
09/590,884

Applicant(s)
Hawkins et al.

Examiner
Ralph Gitomer

Art Unit
1627



All participants (applicant, applicant's representative, PTO personnel):

(1) Ralph Gitomer

(3) _____

(2) Robert Harris

(4) _____

Date of Interview Jul 12, 2002

Type: a) ☒ Telephonic b) ☐ Video Conference
c) ☐ Personal [copy is given to 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☒ No. If yes, brief description:

Claim(s) discussed: None

Identification of prior art discussed:
none

Agreement with respect to the claims f) ☐ was reached. g) ☐ was not reached. h) ☒ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments:

Applicants representative was informed the amendment after final has been received and an advisory action is forthcoming.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

i) ☒ It is not necessary for applicant to provide a separate record of the substance of the interview (if box is checked).

Unless the paragraph above has been checked, THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

Examiner's signature, if required



In re Patent Application of: Erika Hawkins et al.

Title: METHOD FOR INCREASING LUMINESCENCE ASSAY SENSITIVITY

Serial No.: 09/590,884

Filing Date: June 9, 2000

Receipt is hereby acknowledged for the following in the United States Patent and Trademark Office:

CONTENTS: An Amendment and Response Under 37 C.F.R. 1.116 (10 Pages); a check in the amount of \$306.00 to cover the fee for additional claims; Petition for Extension of Time (1 pg.); a check in the amount of \$920.00 to cover the Extension of Time Fee; Notice of Appeal (1 pg.); check in the amount of \$320 for Notice of Appeal Fee; Clean Version of Pending Claims (14 pgs.); copy of In re Miller 169 U.S.P.Q 597, 599; copy of In re Swinehart 169 U.S.P.Q. 226, 228; copy of In re Miller 169 U.S.P.Q 597, 600; a Return Postcard and TRANSMITTAL SHEET.

Mailed: May 23, 2002
RJH/amr

Docket No.: 341.014US1
Due Date: February 23, 2002

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.
 PATENT • TRADEMARK • COPYRIGHT • ATTORNEYS

Vendor #		Payee Nam : PATENT AND TRADEMARK OFFICE			Check Date: 05/23/2002		Check # 21725	
Invoice Date	Inv. Number	Client	Matter	Disb. Code	Reference	Notes	Amount	
/ /		00341	014US1		USPTO Fees-Notice of appeal		\$ 320.00	



Detach at Perforation Before Depositing Check

Requested By: RICHARDS

THIS DOCUMENT CONTAINS SECURITY FEATURES • SEE BACK FOR DETAILS

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.

PATENT • TRADEMARK • COPYRIGHT • ATTORNEYS

1600 TCF Tower, 121 South Eighth Street, Minneapolis, MN 55402

No. 21725

17-2/910

US BANK

CHECK DATE
05/23/2002

PAY *Three Hundred Twenty & no/100 Dollars*

CHECK AMOUNT
\$*****320.00

TO THE
ORDER
OF

PATENT AND TRADEMARK OFFICE

Daniel J. Kluth

⑈021725⑈ ⑆091000022⑆ 104756682258⑈

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.
PATENT • TRADEMARK • COPYRIGHT • ATTORNEYS

Vendor #		Payee Name: PATENT AND TRADEMARK OFFICE			Check Date: 05/23/2002		Check # 21726	
Invoice Date	Inv. Number	Client	Matter	Disb. Code	Reference	Notes	Amount	
/ /		00341	014US1		USPTO Fees-Extension for re sponse within third mon		\$ 920.00	



Detach at Perforation Before Depositing Check

Requested By: RICHARDS

THIS DOCUMENT CONTAINS SECURITY FEATURES - SEE BACK FOR DETAILS

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.

PATENT • TRADEMARK • COPYRIGHT • ATTORNEYS

1600 TCF Tower, 121 South Eighth Street, Minneapolis, MN 55402

No. 21726

17-2/910

US BANK

CHECK DATE
05/23/2002

PAY *Nine Hundred Twenty & no/100 Dollars*

CHECK AMOUNT
\$*****920.00

TO THE
ORDER
OF

PATENT AND TRADEMARK OFFICE

Daniel J. Kluth

⑈021726⑈ ⑆091000022⑆ 104756682258⑈

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.
 PATENT • TRADEMARK • COPYRIGHT • ATTORNEYS

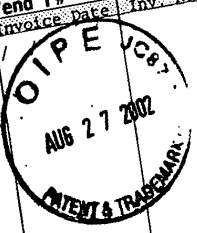
Vendor #	Invoice Date	Inv. Number	Client	Matter	Disp. Code	Reference	Check Date	Notes	Check #	Amount
		00341	014US1			USPTO Fees-Claims in excess of twenty, Independent	05/23/2002		21727	\$ 306.00

Payee Name: PATENT AND TRADEMARK OFFICE

Requested By: RICHARDS

Detach at Perforation Before Depositing Check

THIS DOCUMENT CONTAINS SECURITY FEATURES - SEE BACK FOR DETAILS



SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.
 PATENT • TRADEMARK • COPYRIGHT • ATTORNEYS
 1600 TCF Tower, 121 South Eighth Street, Minneapolis, MN 55402

PAY Three Hundred Six & no/100 Dollars

TO THE ORDER OF
PATENT AND TRADEMARK OFFICE

Daniel J. Kluth

No. 21727
 17-2/910
 CHECK DATE
 05/23/2002
 CHECK AMOUNT
 \$*****306.00

⑈021727⑈ ⑆091000022⑆104756682258⑈